REMARKS

Status of the Application

Claims 31, 32 and claims 38 – 45 are pending. Claims 31 and 32 have been amended merely for purposes of clarification, i.e. provide a correct antecedent basis for term used in the claims. Claim 44 has been amended and placed in independent form based on the allowable subject matter in the claims as previously presented. In the office action of May 23, 2005, the Examiner stated that claim 44 was allowable if rewritten in independent form to include the limitations of the base claim, which is claim 31. This has been done the only items included were a transparent coating, an opaque coating, a transparent film and an opaque film. Support for these additional items is on page 7, lines 14-23 of the specification.

Applicants' Invention

From the Examiner's rejection dated May 23, 2005, it is apparent that Applicants' invention is not understood and it will be again set forth herein. The amended claims are directed to a process for producing plastic molded parts in particular auto parts wherein the back-side of a substantially transparent plastic part is spray coated with an opaque lacquer coating. Typically, automotive base coatings are used and generally are required to match the color of the paint of the vehicle to which the part is attached. These parts of Applicants' process clearly are not the decorative sheet taught by Ellison et al. U.S. Reissue Patent 35,739 (hereinafter referred to as "Ellison"). Ellison teaches the forming of a decorative sheet of a clear film that has a back coating of a pigmented coating and an adhesive layer and then is formed into a plastic part by adhering this film to a plastic support substrate by known laminating and bonding techniques or by back molding a polymer to the adhesive layer on the decorative sheet to form the plastic part. This clearly is not Applicants' invention.

A well known problem of using painted plastic automotive parts on the exterior of a vehicle, such as, bumpers, side panels and the like, is that the coating is very easily damaged e.g., by scratching, abrasion or marring and refinishing of the part is expensive even for the slightest imperfection caused by, for example, by bumping another vehicle by parking or maneuvering in a parking lot which, of course, causes insurance costs to increase. These problems have been in existence ever since painted plastic parts began to be used on vehicles. For the first time, Applicants'

have devised this invention wherein the back of the plastic part is coated with a paint so that the paint will not be readily damaged and require repair. This can be seen in the Examples of the subject application. In Examples 1 and 2 plastic parts were coated on the exterior by the usually method and scratches could readily be seen on these parts. In contrast, in Examples 3 and 4, the parts were coated on the interior and the same exterior scratches could not be seen until one viewed the surface from only at a very close distance. The possibility also exists that such scratches may be buffed or sanded out of the clear plastic and thus repainting would not be required.

While Applicants' invention may appear to be quite simple, it stands to fact that no one prior to this time has used this approach to solve an industry wide problem and this invention will save consumers large dollar amounts by significantly reducing the cost of refinishing of automobile and truck parts having only minor damage.

Claim Rejection under 35 U.S.C. 103 (a)

Claims 31, 39, 42, 43 and 45 were rejected as being obvious and upatentable in view of Ellison. By referring to Figures 1 and 4 of Ellison, the teachings of Ellison are clearly set forth. Fig. 1 shows a decorative sheet (10) of a clear film (11) back coated with a pigmented coating (12) and an adhesive layer (13). This sheet material is then laminated or bonded to a plastic or polymer substrate that is the part and forms a protective layer on the part (see Fig. 4). The polymer substrate can also be bonded or back molded with polymer in a mold to the decorative sheet to form the part.

The Ellison teaching can be illustrated as a composite structure having the following layers:

Clear Film

Pigmented Coating

Adhesive Layer

Plastic or Polymer Substrate (which is the plastic part).

In contrast the following illustrates applicants' invention:

Substantially Transparent Plastic Material (which is the plastic part)

Back Coated with a Opaque Colored Coating .

It should be evident to the Examiner that the products formed according to Ellison are completely different from those formed according to Applicants' process. Applicants do not form a decorative sheet by coating a clear film with a pigmented coating and then bond or laminated this sheet to a polymer substrate that is the plastic part or back mold polymer to the decorative sheet in three dimensional mold to form a part. As pointed out above, Applicants simply spray coat the back of a substantially transparent plastic part with an opaque colored lacquer. When viewing this part, one views the coating through the transparent plastic part which as pointed out above, protects the coating from damage.

It is difficult to understand how the Examiner can reach an obviousness rejection with Ellison. If the position is that the decorative sheet of Ellison (see Fig.1) is the part that is made according to applicants' process, this is totally incorrect since Ellison clearly states that Fig. 1 is a decorative sheet material and teaches in col. 6 lines 9-35 that to form a part, the sheet must be laminated or bonded to a plastic part or placed in a mold and back molded with a polymeric material to form a part. Any person skilled in the art would know that the decorative sheet of Ellison is not an already shaped part as are the parts defined in applicants' claim 31 and the other claims. Further, applicants' claims point out that the part is "selected from the group consisting of bumpers, side panels, sills, mirror housing, door handles, engine bonnets, boot lids, tailgates, wings, spoilers and hub caps" which are not the decorative sheets formed according to Ellison.

The obviousness rejection based on Ellison needs to be withdrawn and the claims allowed.

Claims 31, 32 and 38 were rejected as being obvious and unpatentable in view of Ellison, supra, and Verardi et al. U.S. 6,001,469. Verardi discloses various surface treatments for plastic materials to improve adhesion of the material but does not make up for the above described deficiencies of Ellison which will not be repeated again. The rejected of the above claims based on these two references should be withdrawn.

Claim 40 was rejected as being obvious and upatentable in view of Ellison, supra, Verardi, supra, and further view of Yaver, U.S. 4,877,657. Neither Veradi nor Yaver make up for the deficiencies of Ellison that have been pointed out above. Verardi only discloses surface treatments for plastics to improve adhesion and Yaver

discloses that dyes and pigments can be incorporated into plastic materials. Applicants' previous amendment of March 7, 2005 sets forth the many deficiencies of Yaver, which will not be again repeated.

Claim 41 was rejected as being obvious and unpatentable in view Ellison, supra, Verardi, supra and Buteux, U.S. 3,700,540. Neither Verardi nor Buteux make up for the deficiencies of Ellison discussed above. Buteux was cited to show that auxiliary substances can be added to plastic films to impart certain properties but certainly does not teach or suggest applicants' invention in combination with the other references.

The rejections of claims 40 and 41 should be withdrawn.

Claim 44 was considered allowable if place in independent form incorporating the limitations of the base claim. Claim 44 has been amended and the limitations of the base claim 31 have been incorporated therein. The claim has been directed not only including a transparent coating applied over the back coating but also to an opaque coating, a transparent film and an opaque film. Support for these additional items is on page 7, lines 14-23 of the specification. This claim should now be in allowable form.

Final Rejection Based on Three New References.

The Examiner gave a final rejection based on three completely new references, Ellison, Verardi and Buteux that have never before been cited either by the Examiner or applicants. As the Examiner well knows this is an unacceptable procedure and places applicants at a significant disadvantage. The MPEP §706.07 clearly discourages the Examiner from switching from one set of references to another on substantially the same claimed subject matter. The claimed subject matter has not changed in this application. Applicants respectfully request withdrawal of the final rejection and request the Examiner to fully consider this amendment and all of the pertinent points made that clearly distinguish applicants invention from the cited art and grant an allowance of all of the claims.

Applicants would like to respectfully point out that this is the fifth office action in this application. The invention is not complex. None of the references cited in any of these office actions teach or suggest applicants' invention. Applicants respectfully request that the Examiner take this into consideration and bring this application to a speedy conclusion by the allowance of all claims.

SUMMARY

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and therefore respectfully solicit a Notice of Allowance. In order to expedite disposition of the case, the Examiner is invited to contact Applicants' representative at the telephone number below to resolve any remaining issues. Should there be a fee due that is unaccounted for, please charge such fee to Deposit Account No. 04-1928 (E.I. du Pont de Nemours and Company).

Respectfully submitted,

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